



1 ORIGINAL

Approved:

SARAH Y. LAI
Assistant United States Attorney

Before: THE HONORABLE HENRY B. PITMAN
United States Magistrate Judge
Southern District of New York

07 MAG 0311

-----X
UNITED STATES OF AMERICA :

SEALED COMPLAINT

-v.- :

07 Mag. :

GABRIEL DIEBLAS ROMAN, and
HILDEGARDO RIVERA, :

Violations of
21 U.S.C. § 846 and
18 U.S.C. § 1956(h) :

Defendants, :

-----X
SOUTHERN DISTRICT OF NEW YORK, SS:

[REDACTED], being duly sworn, deposes and states that he is a Special Agent with the United States Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

1. From at least in or about November 2005, up to and including in or about February 2007, in the Southern District of New York and elsewhere, GABRIEL DIEBLAS ROMAN and HILDEGARDO RIVERA, the defendants, and others known and unknown, unlawfully, intentionally and knowingly, did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that GABRIEL DIEBLAS ROMAN and HILDEGARDO RIVERA, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT TWO

3. From at least in or about November 2005, up to and including in or about February 2007, in the Southern District of New York and elsewhere, GABRIEL DIEBLAS ROMAN and HILDEGARDO RIVERA, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to violate Section 1956(a) of Title 18, United States Code.

4. It was a part and an object of the conspiracy that GABRIEL ROMAN and HILDEGARDO RIVERA, the defendants, and others known and unknown, in an offense involving and affecting interstate and foreign commerce, knowing that the property involved in certain financial transactions represented the proceeds of some form of unlawful activity, would and did conduct and attempt to conduct such financial transactions which in fact involved the proceeds of specified unlawful activity, to wit, illegal narcotics trafficking, with the intent to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of such specified unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i).

(Title 18, United States Code, Section 1956(h).)

The basis for deponent's knowledge and for the foregoing charges are, in part, as follows:

5. I have been a Special Agent with the DEA for approximately three years. The information set forth in this affidavit is based on my own participation in the investigation, surveillance, review of reports prepared by other law enforcement officers, conversations with other law enforcement officers, and other sources. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

6. Beginning in or around 2005, the DEA began an investigation of a large-scale cocaine trafficking and money laundering organization that imported multi-kilogram quantities of cocaine from Mexico into the United States, including various localities in California and New York City, by means of long-distance tractor trailer trucks. As part of that investigation,

the DEA's New York Field Division ("DEA/New York") obtained court authorization to intercept wire communications over a cellular telephone used by a member of the organization who is not named as a defendant herein (the "CC-1 Phone"). During the course of interception, the DEA intercepted numerous calls in which CC-1 discussed cocaine- and money laundering-related transactions, including calls with an individual identified as Junior Rojas, while Rojas was in the Bronx, New York. In part as a result of calls intercepted over the CC-1 Phone, in early June 2006, DEA/New York agents seized approximately \$3.5 million in U.S. currency concealed within a tractor trailer truck with a California license plate in Keasbey, New Jersey. Four individuals were arrested in connection with that seizure, including Junior Rojas and three others who have pleaded guilty to conspiracy to commit money laundering.

7. During the course of intercepting the CC-1 Phone, DEA/New York also intercepted calls in which CC-1 was given the number (661) 565-7082, assigned to a cellular telephone used by another member of the organization, later identified as HILDEGARDO RIVERA, the defendant (the "First RIVERA Phone").¹ In or about June 2006, DEA/New York obtained court authorization to intercept wire communications over the First RIVERA Phone. Among the intercepted conversations is the following:²

a. On or about July 4, 2006, at approximately 10:31 p.m., RIVERA placed a call to telephone number (310) 848-8933, later determined to be used by GABRIEL DIEBLAS ROMAN, the defendant (the "First ROMAN Phone"),³ and asked ROMAN to "send me the papers."

¹ In one of the calls intercepted over the First RIVERA Phone, HILDEGARDO RIVERA, the defendant, was asked to give his name and he responded, "Hildegardo, tell them Rivera only."

² I have reviewed draft English translations of this intercepted call and have included preliminary interpretations of certain terms and phrases in brackets, as well as the content of a portion of the call, which are based on my and other agents' general training and experience, as well as our involvement in this investigation.

³ GABRIEL DIEBLAS ROMAN, the defendant, was identified in a number of ways. As part of the investigation, the DEA in Los Angeles, California, obtained court authorization to intercept another cellphone used by ROMAN (the "Second ROMAN Phone"). In two calls intercepted over the Second ROMAN Phone, ROMAN

Three forty eight." RIVERA further asked ROMAN to "send it [the papers] to your compadre's fax." Later in the conversation, RIVERA said, "I'm going to have to find you another company [meaning another supplier of cocaine] because this company [meaning a supplier of cocaine] doesn't want to work." RIVERA then said, "My nerves are on edge [meaning he is impatient for another transaction]."

8. On or about July 25, 2006, GABRIEL DIEBLAS ROMAN, the defendant, was stopped in San Diego, California, by the California Highway Police ("CHP") while driving a Ford Mustang with paper plates. ROMAN was given a citation for driving with a suspended driver's license, which was in the name of "Roman Dieblas Gabriel" with a photograph of ROMAN, and the Mustang was impounded. An inventory search of the Mustang uncovered:

a. A cellphone containing (i) under "Contacts" the telephone number of CC-1, and (ii) under "Recent Calls" the number of the First RIVERA Phone;

b. A registration card for a 1996 refrigeration trailer truck with California license plate number 4GJ6370, registered to a "Roberto Grijalva." In or about January 2006, Roberto Grijalva was stopped in Springfield, Missouri with approximately 120 kilograms of cocaine concealed within a tractor trailer truck. The cocaine was wrapped in silver Mylar packaging. Grijalva stated that he had made more than one trip to transport cocaine to the vicinity of northern New Jersey;

c. A registration card for a 1993 refrigeration trailer truck with California license plate number 4GM4801, registered to a "Fernando Soto," with an address of 433 S. Thorson Avenue, Compton, California. In or about November 2005, approximately 200 kilograms

identified himself as "Gabriel Roman." Spanish-speaking agents who monitored the First and Second ROMAN Phones have determined that the same Hispanic male, namely ROMAN, was the user of both phones. In addition, a database check revealed that an Arizona Driver's License was issued to a "Gabriel Roman" with the same date of birth as shown on the California Driver's License for "Roman Dieblas Gabriel," discussed in paragraph 8. The photographs in both Driver's Licenses depict ROMAN.

of cocaine was seized in Atlanta, Georgia, from a tractor trailer truck registered to an individual with an address of 433 S. Thorson Avenue, Compton, California. Those 200 kilograms of cocaine were also wrapped in Mylar packaging. Moreover, as explained in paragraph 11 below, on or about October 7, 2006, law enforcement seized approximately \$3 million in U.S. currency concealed within a tractor trailer truck that was registered to a "Fernando Soto"; and

d. A registration card for a 2000 tractor trailer truck with California license plate number 2QYL954, registered to a "Tomas Guevara." Tomas Guevara was the driver of a tractor trailer truck from which multi-kilograms of cocaine, also wrapped in Mylar, was seized in or about April 2006, in Oklahoma City, Oklahoma.

9. In or about August 2006, the DEA in Los Angeles, California ("DEA/Los Angeles") obtained court authorization to intercept wire communications over the First ROMAN Phone (discussed in paragraph 7(a) above). Among the intercepted conversations discussing cocaine trafficking-related activities, are the following:⁴

a. On or about September 22, 2006, GABRIEL DIEBLAS ROMAN, the defendant, called a female ("UF-1") and asked her to "keep an eye and see how we're doing." UF-1 replied, "Everything is alright. . . . Very positive, aha." UF-1 then offered to "look into it if you want me to." ROMAN asked her to do so. UF-1 then asked, "When is it leaving [meaning a load of cocaine]?" ROMAN responded, "Tomorrow." UF-1 then said to "be careful, there is surveillance" and warned against a young man who "has trouble with the police." ROMAN responded, "that son of a bitch is worse than a parrot [meaning he talks too much]."

b. On or about September 23, 2006, ROMAN called another female ("UF-2") and told her that he was driving to Bakersfield, California. Bakersfield is where HILDEGARDO RIVERA, the defendant, resides.

10. In or about late September 2006, DEA/Los Angeles obtained a court order to monitor pen register data for a

⁴ See footnote 2.

telephone assigned call number [REDACTED], which was subscribed to HILDEGARDO RIVERA, the defendant (the "Second RIVERA Phone"). Pen register data showed that on or about September 25, 2006, the Second RIVERA Phone was in the vicinity of Bakersfield, California. That same day, it began moving eastward, arriving on or about October 1, 2006, in Keasbey, New Jersey, in the same vicinity of the location where \$3.5 million of drug proceeds were seized in June 2006. The Second RIVERA Phone remained in New Jersey for less than one day before returning westward across the country.

11. On or about October 3, 2006, DEA/Los Angeles obtained a court order to monitor signals from a factory-installed global positioning system ("GPS") in the Second RIVERA Phone. On or about October 7, 2006, CHP officers stopped a tractor trailer truck (the "Tractor Trailer") being driven by HILDEGARDO RIVERA, the defendant, at an agricultural checkpoint. No one else was in the Tractor Trailer. At the time, RIVERA had with him the Second RIVERA Phone. CHP officers determined that RIVERA also possessed an expired driver's license in the name of "Hildegardo Rivera," with RIVERA's photograph. During the stop a CHP canine trained to detect narcotics alerted to the scent of narcotics on the truck. A subsequent search of the truck revealed approximately 155 bundles of U.S. currency hidden within compartments in the Tractor Trailer's ceiling. A subsequent count of the currency showed that there was a total of approximately \$3 million. Also found in the cab of the Tractor Trailer was a notebook containing several telephone numbers, including the number for the First RIVERA Phone, discussed in paragraph 7 above. RIVERA was not arrested at that time.

12. On or about October 10, 2006, HILDEGARDO RIVERA, the defendant, and another individual arrived at a towing company to retrieve the Tractor Trailer. A CHP officer observed them coming out of a white Lincoln with no license plate. When the officer approached the Lincoln to investigate, he saw GABRIEL ROMAN, the defendant, with another individual in the backseat of the Lincoln. Both passengers appeared nervous and ROMAN provided false information regarding ownership of the Lincoln. ROMAN